

(i) the amount in the escrow account required by paragraph (1) is not sufficient to refund the total amount of assessments demanded by producers, producer-handlers, or importers; and

(ii) the plan is not approved pursuant to the referendum conducted under subsection (a) of this section;

the Board shall prorate the amount of such refunds among all eligible producers, producer-handlers, or importers who demand such refund.

(B) Right to refund

A producer, producer-handler, or importer shall be eligible to receive a refund—

(i) if demand is made personally, in accordance with regulations and on a form and within a time period prescribed by the Board, but in no event less than 90 days after the date of publication of the results of the referendum; and

(ii) on submission of proof satisfactory to the Board that the person paid the assessment for which refund is sought and did not collect the assessment from another person.

(C) Surplus funds

Any funds not refunded under this paragraph shall be released to be used to carry out this chapter.

(Pub. L. 101-624, title XIX, §1960, Nov. 28, 1990, 104 Stat. 3879; Pub. L. 103-194, §5, Dec. 14, 1993, 107 Stat. 2295.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-194 substituted “Not later than 30 months after the date on which the collection of assessments begins under the order pursuant to section 6204(d) of this title,” for “Not later than 2 years after the date on which the Secretary first issues an order under section 6203(a),”.

§ 6210. Suspension and termination

(a) Finding of Secretary

If the Secretary finds that an order issued under section 6203(a) of this title, or a provision of such order, obstructs or does not tend to effectuate the purposes of this chapter, the Secretary shall terminate or suspend the operation of such order or provision.

(b) Periodic referenda

The Secretary may periodically conduct a referendum to determine if lime producers, producer-handlers, and importers favor the continuation, termination, or suspension of any order issued under section 6203(a) of this title and in effect at the time of such referendum.

(c) Required referenda

The Secretary shall hold a referendum under subsection (b) of this section—

(1) at the request of the Board; or

(2) if not less than 10 percent of the lime producers, producer-handlers, and importers subject to assessment under this chapter submit a petition requesting such a referendum.

(d) Limitation

The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this chapter.

(e) Vote

The Secretary shall suspend or terminate the order at the end of the marketing year if the Secretary determines that—

(1) the suspension or termination of the order is favored by not less than a majority of those persons voting in a referendum under subsection (b) of this section; and

(2) the producers, producer-handlers, and importers comprising this majority produce and import more than 50 percent of the volume of limes produced and imported by those voting in the referendum.

(Pub. L. 101-624, title XIX, §1961, Nov. 28, 1990, 104 Stat. 3880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6209 of this title.

§ 6211. Authorization of appropriations

(a) In general

There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this chapter.

(b) Administrative expenses

The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provisions of an order issued under this chapter.

(Pub. L. 101-624, title XIX, §1962, Nov. 28, 1990, 104 Stat. 3880.)

§ 6212. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 101-624, title XIX, §1963, Nov. 28, 1990, 104 Stat. 3881.)

CHAPTER 92—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

Sec.

- | | |
|-------|---|
| 6301. | Findings and declaration of policy. <ul style="list-style-type: none"> (a) Findings. (b) Policy. (c) Construction. |
| 6302. | Definitions. |
| 6303. | Issuance and amendment of orders. <ul style="list-style-type: none"> (a) In general. (b) Procedure. (c) Amendments. |
| 6304. | Required terms in orders. <ul style="list-style-type: none"> (a) In general. (b) Establishment and membership of United Soybean Board. (c) Powers and duties of Board. (d) Board voting procedures. (e) Budgets. (f) Plans and projects. (g) Soybean Program Coordinating Committee. (h) Powers and duties of Committee. (i) Administration. (j) Contracts and agreements. (k) Books and records of Board. (l) Assessments. (m) Credit for certain costs to States. (n) Minimum level of assessment to States. (o) Investment of funds. (p) Prohibition on use of funds to influence governmental action. |

- Sec.
- (q) Books and records of first purchasers and certain producers.
 - (r) Incidental terms and conditions.
 - 6305. Referenda.
 - (a) Initial referendum.
 - (b) Additional referenda.
 - (c) Procedures.
 - 6306. Petition and review.
 - (a) Petition.
 - (b) Review.
 - 6307. Enforcement.
 - (a) Jurisdiction.
 - (b) Referral to Attorney General.
 - (c) Civil penalties and orders.
 - (d) Review by district court.
 - (e) Failure to obey orders.
 - (f) Failure to pay penalties.
 - (g) Additional remedies.
 - 6308. Investigations and power to subpoena.
 - (a) Investigations.
 - (b) Subpoenas, oaths, and affirmations.
 - (c) Aid of courts.
 - (d) Contempt.
 - (e) Process.
 - (f) Hearing site.
 - 6309. Administrative provisions.
 - (a) Construction.
 - (b) State laws.
 - (c) Amendments to orders.
 - 6310. Suspension or termination of orders.
 - 6311. Authorization of appropriations; regulations.
 - (a) In general.
 - (b) Administrative expenses.
 - (c) Regulations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 7401 of this title.

§ 6301. Findings and declaration of policy

(a) Findings

Congress finds that—

(1) soybeans are an important source of nutritious foods that are a valuable part of the human diet and are an important feedstuff for the livestock industry;

(2) the production of soybeans plays a significant role in the economy of the United States in that soybeans are produced by thousands of soybean producers, processed by numerous processing entities, and soybeans and soybean products produced in the United States are consumed by people and livestock throughout the United States and foreign countries;

(3) soybeans and soybean products should be readily available and marketed efficiently to ensure that consumers have an adequate supply of soybean products at a reasonable price;

(4) the maintenance and expansion of existing markets and development of new markets for soybeans and soybean products are vital to the welfare of soybean producers and processors and those concerned with marketing soybeans and soybean products, as well as to the general economy of the United States, and are necessary to ensure the ready availability and efficient marketing of soybeans and soybean products;

(5) there exist established State and national organizations conducting soybean promotion, research, and consumer education programs that are valuable to the efforts of promoting the consumption of soybeans and soybean products;

(6) the cooperative development, financing, and implementation of a coordinated national program of soybean promotion, research, consumer information, and industry information are necessary to maintain and expand existing markets and develop new markets for soybeans and soybean products; and

(7) soybeans and soybean products move in interstate and foreign commerce, and soybeans and soybean products that do not move in such channels of commerce directly burden or affect interstate commerce in soybeans and soybean products.

(b) Policy

Congress declares that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing through assessments on domestically-produced soybeans, and implementing a program of promotion, research, consumer information, and industry information designed to strengthen the soybean industry's position in the marketplace, to maintain and expand existing domestic and foreign markets and uses for soybeans and soybean products, and to develop new markets and uses for soybeans and soybean products.

(c) Construction

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of individual producers to produce soybeans.

(Pub. L. 101-624, title XIX, §1966, Nov. 28, 1990, 104 Stat. 3881.)

SHORT TITLE

Section 1965 of Pub. L. 101-624 provided that: "This subtitle [subtitle E (§§1965-1976) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Soybean Promotion, Research, and Consumer Information Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6303 of this title.

§ 6302. Definitions

As used in this chapter:

(1) Board

The term "Board" means the United Soybean Board established under section 6304(b) of this title.

(2) Commerce

The term "commerce" includes interstate, foreign, and intrastate commerce.

(3) Committee

The term "Committee" means the Soybean Program Coordinating Committee established under section 6304(g) of this title.

(4) Consumer information

The term "consumer information" means information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of soybeans or soybean products.

(5) Department

The term "Department" means the Department of Agriculture.